

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DARYL HOLLOWAY,
Plaintiff,

v.

Case No. 19-CV-1460

CITY OF MILWAUKEE, et al.,
Defendants.

COURT MINUTES OF CONFERENCE

Judge Lynn Adelman, presiding
Time Commenced: 11:47 a.m.
Deputy Clerk: TR

Date: 5/29/20
Concluded: 11:51 a.m.
Court Reporter: none

APPEARANCES:

Plaintiff: Nate Cade & Carlos Pastrana

Defendant: Susan Lappen

Nature of Conference: Telephonic Status Conference

Notes:

- The Court explained to the parties that authority and precedent suggests that substitution under Rule 25 is appropriate where a defendant has died after the complaint was filed but before being served, however Rule 25 substitution is not appropriate where a defendant has died prior to the filing of the complaint. Regardless, the Court explained that it found the interests of justice were best served by granting leave for plaintiff to file an amended complaint including temporary placeholders for the estates of both deceased defendants. (e.g., John Doe, Administrator of the Estate of George Ellenberger)
- Granting leave renders moot the City's outstanding motion to dismiss (ECF No. 18). **The Clerk is therefore instructed to terminate the pending action at ECF No. 18 for administrative purposes.**